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**OFFICE OF PETITIONS**

In re Application of  
C. Winslade et al.  
Application No. 09/687,499  
Filed: October 13, 2000  
Attorney Docket No. 0020

**DECISION ON PETITION**  
**37 CFR 1.137(b)**

This is a decision on the petition under 37 CFR §1.137(b), filed August 11, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned, by operation of law, for failure to timely reply within the three month shortened statutory period set in the non-final Office Action mailed December 1, 2004. Petitioner stated that failure stemmed from the unexpected death of the attorney working on the case. No extensions of time have been obtained pursuant to the provisions of 37 CFR §1.136(a). The date of abandonment of this application is June 2, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR §1.137(b) in that (1) the reply (response) and (2) the petition fee of \$750.00 have been received. 37 CFR 1.137(b)(3) requires a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional” be submitted. However, the statement presented will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the present petition. Accordingly, the response to the non-final office action mailed December 1, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

This matter is being referred to Technology Center Art Unit 3622 for appropriate action on the concurrently filed response.

Brian Hearn

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy

*Frances Hicks for*